



TOWN OF DRACUT PROCUREMENT HANDBOOK

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**TOWN OF DRACUT
PROCUREMENT PROCEDURES**

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TOWN OF DRACUT PROCUREMENT PROCEDURES

1. OBJECTIVE

The Town of Dracut has established a position of Purchasing Agent, who is responsible for ensuring that the procurement of supplies and services on behalf of the Town comply with Massachusetts General Laws and bylaws, regulations and policies of the Town of Dracut. It is the responsibility of the Purchasing Agent to ensure that quality goods and services are properly procured while promoting fair competition and competitive pricing.

Procurement procedures have been developed to:

- simplify, clarify, and modernize the procedures governing procurement by the Town of Dracut;
- increase public confidence in Town procurement procedures;
- ensure the fair and equitable treatment of all persons who offer to provide goods or services to the Town;
- provide increased economy in procurement activities and to maximize to the fullest extent practicable the purchasing value of Town funds;
- foster effective broad-based competition for the provision of goods and services to the Town of Dracut;
- provide safeguards for the maintenance of a procurement system based on quality and integrity.

2. PROCUREMENT PROCEDURE

All Town departments, including the School Department and departments that operate through an enterprise fund, are subject to state procurement laws and are responsible for meeting all requirements. Such laws include, but are not limited to:

- M.G.L. c. 30B (Procurement of Supplies and Services)
- M.G.L. c. 7C, §§ 44-58 (Design Services for Public Building Projects)
- M.G.L. c. 30, § 39M (Public Works Construction Contracts with Labor)
- M.G.L. c. 149, §§44A- 44J (Public Building Construction Contracts).

Departments under the jurisdiction of the Town Administration must follow all procurement procedures as established by the Town Manager and the Purchasing Agent. The Purchasing Agent, acting on behalf of the Town Manager, provides internal support to monitor purchases and ensure procurement practices are in compliance with applicable law(s). The Purchasing Agent is available to provide guidance and procurement assistance to all Town Departments, in the development and solicitation of public bids, proposals, quotes, and/or qualifications, contract administration, and monitoring of invoices which follow the contract award.

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3. OVERVIEW OF PROCUREMENT LAWS AND TOWN OF DRACUT PROCEDURES

The type of supply or service, along with the required amount, shall determine what legal requirements must be met in order for the procurement to be compliant with applicable purchasing laws. Once the need for the procurement has been identified and the nature of the goods and services determined, the applicable procurement must be followed. A majority of purchases will fall into one of the following categories:

□ Procurement of Supplies and Services: M.G.L. c. 30B

Unless expressly exempt from public bidding under M.G.L. c. 30B, §1, the purchase of any supplies or services by the Town, meeting certain monetary thresholds, requires compliance with the procurement procedures contained in M.G.L. c. 30B. As Chief Procurement Officer, the Town Manager is responsible for conducting all 30B procurements. All such duties shall be delegated to the Purchasing Agent.

□ Public Works (Non-Building) Construction (with Labor): M.G.L. c. 30, § 39M

Procurement of a contractor for the construction, reconstruction, installation, demolition, maintenance or repair of a public work requires public bidding. A public works construction project is generally considered any horizontal construction activity that involves any land disturbance, but excluding the construction of a building. Any Town board, Department Head or other officer that has been given authority to procure a contractor for a public works construction project shall work with the Purchasing Agent throughout all phases of the procurement and contracting process. ***Please view the Inspector General's charts Exhibit J for an overview of requirements*** and submit **Exhibit B** to the Purchasing Agent to start the procurement process.

□ Building Construction Contracts: M.G.L. c. 149

Procurement of a contractor for the construction, reconstruction, installation, demolition, maintenance or repair of a building by a public agency is subject to the Filed Sub-Bid Law, M.G.L. c. 149, §44A to 44J. Any Town board, Department Head or other officer that has been given authority to procure a contractor for a public building construction project shall work with the Purchasing Agent throughout all phases of the procurement and contracting process. ***Please view the Inspector General's charts Exhibit J for an overview of requirements*** and submit **Exhibit B** to the Purchasing Agent to start the procurement process.

□ Public Building Projects Design Services: M.G.L. c. 7C, §§ 44-57

Procurement of design services (Architect/Engineer, etc.), in connection with a public building project are subject to the Designer Selection Law. Design services in connection with a public works construction project are exempt from all bidding requirements as long as the Town hires a designer that fits the definition contained in M.G.L. c. 30B, §2. Any Town board, Department Head or other officer that has been given authority to procure a designer (e.g., architect or engineer) for a public construction

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project shall work with the Purchasing Agent throughout all phases of the procurement and contracting process. ***Please view the Inspector General's charts Exhibit J for an overview of requirements and submit Exhibit B to the Purchasing Agent to start the procurement process.***

These procedures are designed to ensure that all procurements are made in an orderly manner and in compliance with all applicable laws and policies. The Town of Dracut shall apply the rules described in this book to all procurements, unless a department can show that there is a compelling reason to do otherwise.

It is important to note at the outset that two sets of rules apply to the Town's procurements:

- (1) legal requirements, i.e., those based on state or federal statute or regulation; and
- (2) our own requirements, i.e., those that are based on Town procedures.

Legal requirements cannot be waived; a Town procedure, however, may be waived wholly or in part with the written permission of the Town Manager and the Purchasing Agent. The Town must comply with legal requirements or its procurement is invalid and any resulting contract is unenforceable. Town procedures, however, consist of self-imposed requirements that the Town has adopted as a matter of sound business practice.

Many forms are referred to in these procedures. Important forms are included as exhibits at the end of this document.

While this document endeavors to answer the basic questions, anticipating them all would be impossible. Please call the Purchasing Agent at (978) 770-2584 with any and all questions or comments. For information on procurement issues generally or for questions not addressed in these procedures, consult two manuals published by the Massachusetts Office of the Inspector General: The Chapter 30B Manual, Procuring Supplies, Services, and Real Property (11/16) (supplies and services) and Designing and Constructing Public Facilities (9th ed.) (11/16) (Construction).

3.1 PROCUREMENT OF SUPPLIES AND SERVICES (M.G.L. c. 30B)

Chapter 30B establishes procedures to follow for most agreements for acquisitions of supplies and services, dispositions of surplus supplies, and real property acquisitions and dispositions by local governmental bodies. Most local jurisdictions' agreements with vendors for supplies and services, including agreements to buy, rent, lease, lease-purchase, or otherwise acquire supplies or services, are subject to Chapter 30B. "Supplies" are defined in the law as all property, other than real property, including equipment, materials, and printing and further including services incidental to the delivery, conveyance and installation of such property. "Services" are defined as the furnishing of labor, time, or effort by a contractor, not involving the furnishing of a specific end product other than reports.

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The Town Manager, as Chief Procurement Officer, has the authority to conduct all procurements on behalf of the Town Administration. This authority shall be delegated to the Purchasing Agent. All Town boards, commissions and departments wishing to procure goods or services or dispose of surplus supplies must request assistance, in writing, to the Purchasing Agent, who shall administer that procurement with the assistance of the requesting board, commission or department.

Who pays is irrelevant to whether a contract is subject to Chapter 30B. The law applies to the total value of the contract when there is an agreement between a local government and a vendor.

30B CONTRACT VALUE (OVER THE CONTRACT TERM)

0-\$9,999	\$10,000 to \$50,000	\$50,000+
Sound business practices	Use a written purchase description to solicit written quotations from no fewer than 3 persons who customarily provide the supply or service	Sealed bid process (IFB) or a Request for Proposals (RFP)

BID SPLITTING

No person shall cause or conspire to cause the splitting or division of any procurement for the purpose of evading a requirement of these procedures or any statute.

3.1.1 PROCUREMENTS ESTIMATED TO COST LESS THAN \$10,000

Procurement of supplies and services estimated to cost less than \$10,000 must be conducted using “sound business practices”. “Sound business practices” is defined as “ensuring the receipt of a favorable price by periodically soliciting price lists or quotes.” While the definition does not require a formal competitive process for procurements of less than \$10,000, it requires governmental bodies to ensure that they have received the needed quality of supplies and services at a reasonable price. Sound business practices could also consist of consideration of quality, experience, or qualifications of the vendor providing a service, availability, proximity of service, etc. Therefore, for procurements of goods and services costing less than \$10,000, the Town must periodically check price lists from competing vendors and purchase goods and services at the lowest available price. The solicitation of quotes when possible is encouraged even for procurements estimated to cost less than \$10,000.

3.1.2 PROCUREMENTS ESTIMATED TO COST BETWEEN \$10,000 TO \$50,000

The procurement of supplies and services costing between \$10,000 and \$50,000 will require a

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written purchase description to solicit at least three written quotations from potential vendors who customarily supply the needed supply or service. Documentation of quotes solicited shall be on a Quote Summary Sheet (**Exhibit A**). The contract must be awarded to the vendor offering the lowest price who meets all of the specifications. Advertised notices and sealed submissions are not required. The requisition must be accompanied by an original or scanned and signed Quote Summary Sheet (**Exhibit A**). The Purchasing Agent, with the assistance of the requesting department, board or commission, determines how quotes are solicited and when requisitions are submitted. Such purchases may not be made without the issuance of a formal purchase order by the Town of Dracut.

All contracts in the amount of \$10,000 or more shall be in writing, executed in triplicate. The governmental body shall make no payment for a supply or service rendered prior to the execution of such contract.

Any contract should be referred to experienced counsel. A certificate of insurance from the vendor must be included for all service contracts.

After the contract is signed by the vendor and Town Manager and returned to the Purchasing Agent, the Purchasing Agent will deliver one original to the department head or designee that requested the procurement, mail one original to the vendor and send the third original to the Finance Office. A fully signed copy of the contract and certificate of insurance liability will be filed in the Purchasing Department. The Purchasing Agent will ensure that the vendor's insurance is compliant at the time the contract is executed. Please note it is the responsibility of the originating department to ensure throughout the contract term that the insurance is up to date before and while any work commences.

3.1.3 PROCUREMENTS ESTIMATED TO COST OVER \$50,000

An Invitation for Bids (IFB) or a Request for Proposals (RFP) is used for procurements of \$50,000 or more and is administered in its entirety by the Chief Procurement Officer or his or her designee, the Purchasing Agent. Unlike requests for quotes, which can be done relatively quickly, IFBs and RFPs will take a minimum of a month from start to finish. An IFB should be used for all procurements of goods and services in circumstances where award to the bidder offering the lowest price is preferred. If the Purchasing Agent, in consultation with the requesting department, board of commission has determined that consideration of factors other than price is important, an RFP should be used. The RFP process is the only procurement method that allows the Town to award a proposal based on what is determined to be in the best interests of the Town, taking into consideration both price and the evaluation of non-price criteria set forth in the RFP.

3.1.4 IFB/RFP PROCESS

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Although procurements will differ, the Purchasing Agent requires that the typical IFB/RFP conform to the following:

1. An IFB or RFP is initiated when a department fills out a standard Procurement Request Form (**Exhibit B**). Ask the Purchasing Agent for help to answer any of the required information. The 2nd page has an area for the Purchasing Agent to insert the procurement number, the Release Date, the Pre-Bid Meeting Date (optional) and the Opening Date.
2. Space provided for the procurement description is limited, but it should be clear whether the procurement is a construction project or the purchase of a supply or non-construction service as this will determine the applicable law. If you have any questions, call the Purchasing Agent. An original hard copy Procurement Request Form must be signed by the department head. Unsigned forms or forms with a photocopy or scanned signature will not initiate the procurement. The original form is reviewed and completed by the Purchasing Agent.
3. It is the responsibility of the employee initiating the purchase to include a **detailed scope of work**, specifications, and minimum qualification specifics for the bid/contract being solicited prior to the IFB/RFP being submitted to the Purchasing Agent.
4. Dates for bid release, any pre-bid meeting, and bid opening will then be established. **ONLY** the Purchasing Agent sets these dates.
5. The Purchasing Agent will advertise the project as necessary in the required bulletins, newspaper and COMMBUYS.
6. The Purchasing Agent will request a Suggested Vendors List (**Exhibit E**) from the employee initiating the purchase to ensure the bid is sent to any vendors of their department's choice.
7. Since the RFP process allows the Town to award a contract to someone other than the lowest price proposer, the employee initiating the purchase must send with the Procurement Request Form a justification to the Purchasing Agent explaining why a low bid IFB is not appropriate for the procurement.
8. If a Pre-Bid Meeting or Mandatory Pre-Bid Meeting is scheduled, the employee initiating the purchase, or someone designated by the employee initiating the purchase, must attend to chair the meeting and respond to questions. The Purchasing Agent will also be present. Although bidders may ask questions and receive answers at a pre-bid, they may not rely on any information provided unless it is a response to a written question submitted to the Purchasing Agent. An addendum will be issued setting forth the questions and the Town's answers. This assures that all bidders have the same information and none has an unfair advantage.

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9. If for any reason a bid must be cancelled that has already been released or even opened, please notify the Purchasing Agent.
10. The Purchasing Agent will receive all questions from potential bidders and will seek input from the department head, board, or commission on how to answer those questions.

4. PURCHASING SUPPLIES THROUGH STATE CONTRACTS, AND COOPERATIVE CONTRACTS, ETC.

1. The Purchasing Agent shall read and comply with the contract user guide instructions for use. User guides for state contracts can be found at <https://www.mass.gov/service-details/statewide-contract-user-guides>. The *Contract User Guide* is intended to make it easier for users to understand the components of the contract, make informed decisions and place orders easily. If you have any questions, please contact the Purchasing Agent.
2. Supplies (not services) may be purchased via a cooperative contract. MGL 30B, §22A.
3. Reference the state or contract number when communicating with the seller.
4. The Town may still be required to solicit at least three (3) quotes from contractors even if it is part of the state or cooperative contract. The user guides specify instructions for making purchases.
5. Vendors on state contracts and using cooperative contracts still need to have a written contract with Town of Dracut with the state contract number or cooperative contract listed on the contract and must be signed like any other procurement contract.
6. Quotes received must be reviewed to ensure they correlate with the pricing in the cooperative or state bid. Do not assume the vendor has provided you with the correct pricing.

5. ADDENDA

To ensure all potential bidders receive the same information, once a bid document is released, **ALL QUESTIONS** regarding a bid must be directed to the Purchasing Agent via email to [_____](#). The Purchasing Agent will answer administrative questions and forward all technical questions to the department head or designee via email. Once answered, the Purchasing Agent will create an addendum and electronically release it to those on the bid list. Addenda will also be posted on the Town's website. Procurements may require more than one addendum.

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6. SOLE SOURCE PROCUREMENT

“Sole source” procurement is a purchase of supplies or services without advertising or competition. M.G.L. c. 30B, § 7 places strict limitations on sole source procurements. The Town may make sole source procurements of a supply or service when a reasonable investigation shows that there is only one practicable source for the desired supply or service. The determination that only one practicable source exists must be made in writing. The essence of the certification is “I have investigated the marketplace and determined there is no benefit to bidding since there is only one vendor that offers what I want.”

There is much confusion around sole source procurements. A sole source procurement is not valid “because I like working with this company” or “because we always buy from them.”

The Town may make a sole source procurement of not more than \$50,000 for any supply or service when a reasonable investigation shows that there is only one practicable source. The determination that only one practicable source exists must be in writing on a Sole Source Declaration Form (**Exhibit C**). The Chief Procurement Officer or his or her designee, the Purchasing Agent, makes this determination.

The Town may make sole source procurements of \$50,000 or more only for the following:

- Education materials
- Library books
- Software maintenance
- Procurements from regulated industry companies (i.e., any utility companies subject to regulation by the Department of Public Utilities)

Even though the Town is permitted to go above \$50,000 when making these procurements the Town must still follow the procedures set forth herein.

For supplies/services over \$50,000 that do not fall into the categories listed above, the Town must go out to bid, even if it has been determined there is only one practicable source. If the product description is too specific, it may be considered a proprietary specification which is subject to certain rules. M.G.L. c. 30B, §14.

7. CHANGE ORDERS AND INCREASES ON ACTIVE CONTRACTS

It often happens that an estimate does not fully anticipate what will actually be needed under a contract. Fortunately, the statutes allow for adjustments to existing contracts.

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7.1 INCREASES ON ACTIVE CONTRACTS

Changes to c. 30B contracts are called increases, and they can only increase the **quantity** of the supply or service on the same terms as the underlying contract, provided that the following four conditions are met:

1. the unit prices remain the same or less;
2. the Purchasing Agent documents in writing that an increase is necessary to fulfill the actual needs of the local jurisdiction and is more economical and practical than awarding another contract;
3. the parties agree to the increase in writing; and
4. the cost of the increase does not exceed **25 percent** of the contract price.

If the Town has procured multiple items (for example, desks, chairs and file cabinets) under a single office equipment contract, and needs to purchase additional desks, the purchase limit is 25 percent of the total contract price for all of the items purchased, not 25 percent of the total price of the desks purchased under the contract. (Increases and change orders should not be confused with extensions. Extensions are contractual rights to renew a contract term and are specifically provided for in the initial IFB or RFP.)

Contracts for the purchase of **gasoline, special fuel, oil, road salt, and other ice and snow control supplies** are not subject to the 25 percent limitation. However, the Town must meet the first three conditions listed above before purchasing additional supplies under the existing contract.

7.2 CHANGE ORDERS

For construction contracts, M.G.L. c. 30, § 39 states that any change to a construction contract can only be made in a written document signed by a person duly authorized by the Town.

8. PROPRIETARY SPECIFICATIONS

Although the construction, supplies and services bid laws are premised on fair and open competition, they do allow the use of so-called “proprietary” specifications under certain circumstances. A proprietary specification either uses a specific brand name or is written so restrictively that only one vendor or manufacturer can supply the desired service or item. For example, the Town may have standard door hardware (which it procured through a bid process) and want to inventory the same brand hardware for replacements and repairs. Because such specifications use a brand name or are written in a way that only one vendor can bid, they are presumptively anticompetitive and the statutes require a written justification for their use. The

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written justification is to be available to the public on request. Departments that wish to include proprietary items in the IFB or RFP for the requested procurement must provide the Purchasing Agent with a signed, credible written justification for their use prior to the bid release explaining why no other description will suffice. (Remember, competitors and vendors have the right to look at it.)

9. SURPLUS PROPERTY

From time to time, the Town of Dracut finds it necessary to dispose of materials, equipment, etc. that are no longer needed or useful. In accordance with the Town's General Bylaws, disposal of any surplus supply having a resale or salvage value of \$100 or more shall be disposed of by the Department Head by public auction.

If the surplus goods or equipment have a resale or salvage value of less than \$100, the Department Head shall dispose of such property at the least cost to the town.

10. EMERGENCY PROCUREMENTS

M.G.L. c. 30 B

Emergencies may require expedited procurements. If the time required to comply fully with Chapter 30B would endanger the health or safety of people or their property due to an unforeseen emergency, the Town may procure the needed item or service without complying with all of Chapter 30B's requirements. Even under emergency circumstances, however, the Town must comply with Chapter 30B to the extent possible. Each request for emergency procurement requires completion of Exhibit D, the Emergency Procurement Data Sheet.

A local jurisdiction may not artificially create an emergency by postponing normal purchases. If the Town had reason to know in advance that it needed the supplies or services and it failed to act until the need became critical, the Town will have difficulty justifying an emergency procurement.

Invoking the emergency procedures in the absence of a genuine emergency could invalidate the contract.

11. CONTRACT ADMINISTRATION

A written contract is required by M.G.L. c. 30B, §17 for any procurement costing more than \$10,000. The Town Manager is the only individual authorized to sign contracts on behalf of the Town of Dracut. It is the responsibility of the department to provide the Purchasing Agent with proper specifications for bids or a detailed scope of services setting forth a clear description of goods and services to be procured. The scope of services must be provided before issuing the appropriate procurement document and must be incorporated into the written contract.

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The Town should endeavor to keep records in your project file on the contractor's performance (pictures, examples of poor performance).

11.1 MULTI- YEAR CONTRACTS

M.G.L. Chapter 30B, § 12(b)

Unless authorized at Town Meeting, the Town shall not award a contract for a term exceeding three years, including any renewal, extension, or option. Contracts not subject to 30B may require Town Meeting approval regardless of the length of the contract.

11.2 PROFESSIONAL SERVICE CONTRACTS

In cases where the Town of Dracut has engaged the services of a professional service firm, or an individual consultant, for an unspecified level of service, detailed statements of time and expenses shall be rendered to the Town of Dracut on a monthly basis. Each statement shall contain the most recent month's detailed charges, and fiscal year-to-date total charges. Invoices for professional services provided under such agreements will not be processed for payment in the absence of detailed time and expense statements.

11.3 CONTROL PAYMENTS TO VENDORS

Payment to vendors shall not be made:

- without a valid purchase order;
- under a contract made in violation of these procedures;
- for a supply or service rendered prior to the execution of a valid contract; and
- in an amount in excess of that authorized by the contract. Ensure all invoices match your contract terms and pricing details. Employees paying invoices must verify that the Town is being charged for materials in accordance with the contract.

11.4 CONTROL CONTRACT EXTENSIONS AND RENEWALS

If a contract contains an option for renewal or extension, the exercise of the option shall be at the sole discretion of the Town of Dracut and shall not be subject to agreement or acceptance by the vendor. No option shall be exercised unless the department head recommends in writing to the Town Manager, after reasonable investigation of costs and benefits, that the exercise of the option is more advantageous to the Town than alternate means of procuring comparable supplies or services.

EXHIBIT A QUOTE SUMMARY SHEET

Use this form for 30B purchases of supplies and services from \$10,000 to \$50,000. The original of this form, a copy of the contract between Town & Vendor and any supporting pages must be filed with the Purchasing Agent.

SECTION 1:

Name: _____
(Quotes requested by)

Today's Date: _____

VENDOR AWARDED

DATE AWARDED

AWARD AMOUNT

\$ _____

SECTION 2:

SPECIFICATIONS SENT TO VENDORS - Description of goods or services to be purchased (Attach additional pages wherever necessary). Be sure to send the same written purchase description to each vendor and include:

- quality, performance or experience standards that the vendor must meet;
- actual or estimated quantities;
- service and warranty terms;
- sampling, inspection and test criteria;
- delivery terms or performance deadlines. (prices must include delivery and any freight charges)

SECTION 3:

Please choose one or more of the options below:

____ Written quotations from no fewer than **3 vendors** who customarily provide the supply or service were sought

____ Reference number of state contract _____ (e.g., FAC85) You must comply with all the terms written in the state and validate pricing. Some state contracts still require multiple quotes to be sought and additional terms. Please refer to the contracts user guide or contact the Purchasing Agent if you are unsure of the terms of the contract.

____ Reference number and name of the cooperative supply agreement: _____
(e.g. MHEC G02): _____

You must comply with all the terms written in the cooperative contract and validate pricing. Please contact the Purchasing Agent if you are unsure of the terms of the contract.

____ Sole Source Request (Sole Source Request and Declaration form attached)

____ Emergency Procurement (Emergency Procurement Data Sheet attached)

SECTION 4:

Names and address of all vendors from whom quotes were sought.

1) _____
Name of Vendor Did the vendor submit a quote? Yes / No

Address of Vendor

Date Quote Received \$ _____ Amount of Quote

2) _____

Name of Vendor	Did the vendor submit a quote? Yes / No

Address of Vendor	
_____	\$ _____
Date Quote Received	Amount of Quote

(Explain on back of form or attach additional pages wherever necessary)

3) _____

Name of Vendor	Did the vendor submit a quote? Yes / No

Address of Vendor	
_____	\$ _____
Date Quote Received	Amount of Quote

4) _____

Name of Vendor	Did the vendor submit a quote? Yes / No

Address of Vendor	
_____	\$ _____
Date Quote Received	Amount of Quote

(Explain on back of form or attach additional pages wherever necessary)

SECTION 4:

*Award the contract to the responsible offeror offering the needed quality of the supply or service at the best price.
A responsible offeror has the capacity, reliability and integrity to perform the contract.*

APPROVAL - I certify that I am not aware of any violations of Chapter 268A (ethics issues) regarding this procurement. I am not aware of any potential conflict of interest that I have not already disclosed to the Purchasing Agent.

Signature-Employee completing this form

Date _____ Date _____

Keep the following records in your file for 6 years after the last payment on the contract is made:

- Written contract (All written contracts must be signed by the Town Manager)
- Names and addresses of all vendors from whom quotes were sought

- Your written purchase description
- Name of all vendors submitting quotes (including date of quote and amount

EXHIBIT B
BID/QUOTE/RFP/RFQ REQUEST FORM

Email the completed Bid Request Form to _____ **Previous Bid#**

Project Manager

Phone

Email

Description of Project: _____

PROJECT INFORMATION

Estimated Contract Cost: \$ _____

Project Title: _____

Anticipated Start Date: _____ End Date: _____

Contract Term: Fiscal Calendar

Options to renew: None 1 Year 2 Years

Pre-bid Information Meeting Required: Yes No

Pre-Bid Meeting Date: _____ Location: _____

ORG & OBJ #s for Project: _____

ORG & OBJ #'s for Advertising: _____

Grant Funding: Yes No

Stimulus Funding: Yes No

Could the CONTRACTOR'S employees have unsupervised contact with children, the disabled, or the elderly during the performance of their work under this Contract? Yes No if yes, a CORI and SORI will be required.

Special Instructions: _____

What type of contract are you procuring?

___ **SUPPLIES and SERVICES M.G.L. c. 30 B (Over \$50,000)**

___ **PUBLIC WORKS (NON BUILDING) CONSTRUCTION (with labor) M.G.L. 30, § 39M Chapter 90**

Funding: Yes No

if yes, have you followed all of requirements to fulfill their funding requirements Yes No

(e.g. Mass Highway Pre-qualification Form Required)

Price Adjustment Required: Yes No If yes, circle each: Gas / Diesel / Portland Cement / Liquid Asphalt / Steel

Drawings/Plans: Yes No # of Pages _____

___ **BUILDING CONSTRUCTION CONTRACTS M.G.L. 149**

Construction/Facility improvements with a cost of \$150,000 or more will mandate the implementation of DCAM procedures. DCAM

Certified Contractor Required: Yes No

Filed Sub Bids: Yes No

Drawings/Plans:	Yes	No	# of Pages _____
Category of Work:		Trades:	
_____		_____	
_____		_____	

ALTERNATES:	Yes	No
How many (list in order of priority):		

_____	_____	Department
Head Approval	Date	

PROCUREMENT OFFICE USE ONLY

Previous Bid No.:

New Bid No.:

Prevailing Wage Rates Required (yes / no):

Bid Bond - Required (yes / no):

Payment Bond - Required (yes / no):

Performance Bond - Required (yes / no):

DATES AND TIMES

Release Date:

Pre-Bid Meeting Required (yes / no):

_____ Mandatory Meeting Required (yes / no):

Advertising Required (yes / no): Circle all that apply

& Services Lowell Sun Bulletin Board Website Central Register Goods

Date Posted _____ _____ _____ _____

Date and Time of Bid/RFP Opening:

Opening Location:

Notes:

EXHIBIT C SOLE SOURCE REQUEST and DECLARATION

Name: _____

Today's Date: _____

(Person completing this form)

VENDOR NAME: _____

DOLLAR AMOUNT _____

\$ _____ ADDRESS: _____

TELEPHONE NO: _____

EMAIL ADDRESS: _____

You may award a sole-source contract of less than \$50,000 if a reasonable investigation indicates that there is only one practicable source for the supply or service you are procuring. In this case, you need not seek competitive quotes.

Please describe the supplies or services procured:

Start Date of Procurement Investigation _____

End Date of Procurement Investigation _____

You **may not** make a sole-source procurement of \$50,000 or more except for the following:

1. Software maintenance, library books and educational materials: You may make noncompetitive purchases in any amount for software maintenance; library books; school textbooks; or educational programs, courses or curricula in any media, including educational software, newspapers, serials, periodicals and audiovisual materials, **if you determine in writing**, after reasonable investigation, that there is only one practicable source for the items

2. Utilities: You may make noncompetitive purchases of water, gas, electricity, sewer and telephone services in any amount from a regulated industry company if you determine in writing that there is only one practicable source for the services.

Please describe the basis and your investigation for your determination that only one practicable source exists:

Your determination must be supported by a letter from the vendor dated no more than 60 days from the date confirming that it is the sole source for the supply or service described above.

Contracts for energy or energy-related services are exempt from Chapter 30B; however, for the contract to be exempt, within 15 days of contract execution, a governmental body must submit a copy of the energy or energy-related contract and a report of the process used to execute the contract to the Department of Public Utilities, the Department of Energy Resources, and the Office of the Inspector General. M.G.L. c. 30B, § 1(b)(33).

APPROVAL - I certify that I am not aware of any violations of Chapter 268A (ethics issues) regarding this procurement. I am not aware of any potential conflict of interest that I have not already disclosed to the Purchasing Agent.

Signature-Employee completing this form

Signature-Department Head

EXHIBIT D

TOWN OF DRACUT

EMERGENCY PROCUREMENT DATA SHEET

M.G.L. c. 30B, §8

Date:	
Requesting Department::	
Contractor's or supplier's name:	
Amount of each contract	
Supply or service procured:	
Justification for the need for an emergency procurement:	<p>[Describe the emergency] Due to the heavy snows of late January and February 2015, the amount of snow on Town streets and sidewalks poses hazards to drivers and pedestrians on account of poor visibility and the necessity of walking in Town streets.</p> <p>[Solution] The Town will use sound business practices to obtain prices.</p>

Department Head Signature

Town Manager Signature

Date

Date

The Purchasing Agent is instructed to submit a notice of this emergency procurement as soon as practicable to the *Goods and Services Bulletin*.

EXHIBIT E

SUGGESTED VENDORS LIST

Please inform the Purchasing Agent of any vendors you would like to receive the final IFB/RFP.

PROJECT NAME: _____

Company Name: _____

Contact Name: _____

Phone: _____

Fax: _____

Email: _____

Company Name: _____

Contact Name: _____

Phone: _____

Fax: _____

Email: _____

Company Name: _____

Contact Name: _____

Phone: _____

Fax: _____

Email: _____

M.G.L. c. 149 – BUILDING CONSTRUCTION CONTRACTS

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000 to \$150,000	Over \$150,000	Over \$10,000,000
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, § 2). ¹	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work.	Sealed bids (using M.G.L. c. 30, § 39M).	Sealed bids (using M.G.L. c. 149, §§ 44A – 44J).	Solicit statements of qualifications prior to soliciting sealed bids (using M.G.L. c. 149, §§ 44A – 44J).
Notice/Advertising Requirements	None.	Post a notice at least two weeks before responses are due on 1) your jurisdiction's website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. ²	Post a notice 1) in your jurisdiction's office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. ³	Post a notice 1) in your jurisdiction's office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. ⁴	Advertise the request for qualifications at least two weeks before responses are due (1) in a newspaper; (2) in the <i>Central Register</i> ; and (3) on COMMBUYS. ⁵
DCAMM Certification	No.	No.	No.	Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.	Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.
OSHA Training	No.	Yes.	Yes.	Yes.	Yes.
Prequalification	No.	No.	No.	Optional. ⁶	Yes.
Filed Sub-bids	No.	No.	No.	Yes, if more than \$25,000.	Yes, if more than \$25,000.
Bid Deposit	No.	No.	5% of the value of the total bid.	5% of the value of the total bid or sub-bid.	5% of the value of the total bid or sub-bid.
Payment Bond	No.	50% payment bond if contract is >\$25,000. ⁷	50% payment bond.	100% payment bond.	100% payment bond.
Performance Bond	No.	No.	No.	100% performance bond.	100% performance bond.
Prevailing Wage	Yes.	Yes.	Yes.	Yes.	Yes.
Contractor Evaluation	No.	No.	No.	Yes.	Yes.
OSD or Blanket Contract Option	Yes.	Yes.	No.	No.	No.

¹ M.G.L. c. 149, § 44A(2)(A), as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

² M.G.L. c. 149, § 44A(2)(B), as amended by Chapter 218 of the Acts of 2016.

³ M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

⁴ M.G.L. c. 149, § 44J, as amended by Chapter 218 of the Acts of 2016.

⁵ The advertising procedures listed pertain only to the request for qualifications. Within 14 days of the completion of the prequalification process, you are required to post a notice in your jurisdiction and on COMMBUYS listing those general contractors and subcontractors that have been prequalified. A copy of the notice must be sent via first class mail, postage pre-paid, to all prequalified general and subcontractors along with an invitation to bid. The invitation to bid must have a deadline of at least two weeks. Although you may only consider bids from those general and subcontractors who have been prequalified, the advertising requirements for building construction contracts over \$150,000 apply.

⁶ If you decide to use the optional prequalification process for projects over \$100,000, follow the procedures listed in the "Over \$10,000,000" column. (Note: The prequalification threshold was not raised in 2016.)

⁷ M.G.L. c. 149, § 29.

**M.G.L. c. 30, § 39M, or M.G.L. c. 30B, § 5 – PUBLIC WORKS (NON-BUILDING) CONSTRUCTION CONTRACTS
(WITH LABOR)**

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	\$50,000 or less	Over \$50,000
	M.G.L. c. 30, § 39M	M.G.L. c. 30, § 39M	M.G.L. c. 30B, § 5 Option ¹	M.G.L. c. 30, § 39M
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, § 2). ²	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work. ³	Sealed bids.	Sealed bids.
Notice/Advertising Requirements	None.	Post a notice at least two weeks before responses are due on 1) your jurisdiction's website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. ⁴	Post a notice at least two weeks before bids are due 1) in your jurisdiction's office, and publish 2) in a newspaper; 3) on COMMBUYS; and 4) in the <i>Central Register</i> . ⁵	Post a notice 1) in your jurisdiction's office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. ⁶
OSHA Training	No.	Yes.	Yes.	Yes.
Prequalification	No.	No.	No.	Maybe. ⁷
Bid Deposit	No.	No.	No.	5% of the value of the total bid.
Payment Bond	No.	50% payment bond if contract is more than \$25,000. ⁸	50% payment bond if contract is more than \$25,000. ⁹	50% payment bond.
Performance Bond	No.	No.	No.	No.
Prevailing Wage	Yes.	Yes.	Yes.	Yes.
OSD or Blanket Contract Option	Yes.	Yes.	No.	No.

¹ Authorized by M.G.L. c. 30, § 39M(d).

² M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

³ M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

⁴ M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

⁵ M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A.

⁶ M.G.L. c. 149, § 44J.

⁷ Although M.G.L. c. 30, § 39M, does not mandate a contractor prequalification process, prequalification of bidders by the Massachusetts Department of Transportation is required for contracts of \$50,000 or more (1) if the awarding authority receives State Aid funds under M.G.L. c. 90, § 34; or (2) the work is on a state road, regardless of whether the awarding authority receives State Aid funds under M.G.L. c. 90, § 34.

⁸ M.G.L. c. 149, § 29.

⁹ M.G.L. c. 149, § 29.

**M.G.L. c. 30, § 39M, or M.G.L. c. 30B, § 5 – CONSTRUCTION MATERIALS PROCUREMENTS
(WITHOUT LABOR)**

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000	Any Amount
	M.G.L. c. 30, § 39M	M.G.L. c. 30, § 39M	M.G.L. c. 30, § 39M	M.G.L. c. 30B, § 5 Option ¹
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, § 2). ²	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work.	Sealed bids.	Sealed bids.
Notice/Advertising Requirements	None.	Post a notice at least two weeks before responses are due on 1) your jurisdiction's website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. ³	Post a notice 1) in your jurisdiction's office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. ⁴	Post a notice at least two weeks before bids are due 1) in your jurisdiction's office, and publish 2) in a newspaper; 3) on COMMBUYS; and 4) in the <i>Central Register</i> . ⁵
OSHA Training	No.	No.	No.	No.
Prequalification	No.	No.	No.	No.
Bid Deposit	No.	No.	5% of the value of the total bid.	No.
Payment Bond	No.	50% payment bond if contract is more than \$25,000. ⁶	50% payment bond.	50% payment bond if contract is more than \$25,000. ⁷
Performance Bond	No.	No.	No.	No.
Prevailing Wage	No.	No.	No.	No.
OSD Option	Yes.	Yes.	Yes.	No.
Blanket Contract Option	Yes.	Yes.	No.	No.

¹ Authorized by M.G.L. c. 30, § 39M(d).

² M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

³ M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

⁴ M.G.L. c. 149, § 44J.

⁵ M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A. (Note: If the procurement will exceed \$100,000, and the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, at least two weeks before bids or proposals are due, publish in the *Goods and Services Bulletin*.)

⁶ M.G.L. c. 149, § 29.

⁷ M.G.L. c. 149, § 29. (Note: If the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, you do not need to obtain a payment bond.)

**M.G.L. c. 7C, §§ 44-58 – DESIGN SERVICES FOR PUBLIC BUILDING PROJECTS:
Cities, Towns, Regional School Districts and Horace Mann Charter Schools¹**

Estimated Design Fee (EDF)/Estimated Construction Cost (ECC)	EDF less than \$30,000 or ECC less than \$300,000	EDF \$30,000 or more and ECC \$300,000 or more
Procurement Procedure	None. Recommend soliciting qualifications and prices from at least three designers.	Qualifications-based selection process. Jurisdiction must either (1) set the design fee; or (2) set a not-to-exceed fee limit and then negotiate the fee with the top-ranked designer within the fee limit.
Advertising Required	No.	Advertise in the <i>Central Register</i> and your local newspaper at least two weeks before the deadline for filing applications.
Designer Selection Board¹	No.	No – adopt selection procedure in writing. ^{2,3}
Designer Application	No.	Yes. See Designer Selection Procedures for Municipalities . Use “Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (Updated July 2016)”
Designer Evaluation (Submit to DCAMM and Designer Selection Board)	No.	Yes. See Designer Evaluation Forms & Information for Municipalities and Agencies
Registration	Yes.	Yes.
Insurance	No.	At a minimum, the lesser of \$1 million or 10% of the project’s estimated cost of construction. ⁴
Prevailing Wage	No.	No.

¹ Executive Departments of the Commonwealth and Commonwealth charter schools are subject to the jurisdiction of the Designer Selection Board when the design fee is \$30,000 or more and the estimated construction cost is \$300,000 or more.

² Cities, towns, school districts and Horace Mann charter schools are required to adopt their own procedures for selecting designers for building projects. These procedures must conform to the purposes and intent of the designer selection process as outlined in M.G.L. c. 7C, §§ 44 – 58, and noted herein. See this Office’s [Model Designer Selection Procedures for Municipalities and Other Local Public Agencies](#).

³ Housing Authorities must follow the procedures established by the Department of Housing and Community Development for the design of state-funded housing. Projects requesting funding from the Massachusetts School Building Authority (MSBA) are subject to MSBA rules.

⁴ M.G.L. c. 7C, § 51.

M.G.L. c. 30B – PROCUREMENT OF SUPPLIES AND SERVICES

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000
Procurement Procedure	Sound business practices. ¹	Use a written purchase description to solicit written quotations from no fewer than 3 persons who customarily provide the supply or service. ²	Sealed bids or proposals (M.G.L. c. 30B, §§ 5 or 6).
Notice/Advertising Requirements	None.	None.	Post a notice 1) in your jurisdiction's office, and, at least two weeks before bids or proposals are due, publish 2) in a newspaper, and 3) on COMMBUYS. If the procurement will exceed \$100,000, at least two weeks before bids or proposals are due, publish in the <i>Goods and Services Bulletin</i> .
Award contract to:	Responsible person offering the best price.	Responsible person offering the needed quality of supply or service at the lowest price quotation.	Under § 5, the responsible ³ and responsive ⁴ bidder offering the best price. Under § 6, the most advantageous proposal from a responsible and responsive proposer taking into consideration price and non-price proposals.
Written Contract Required⁵	No. Keep written records as a best practice.	Yes.	Yes.
Maximum Contract Term⁶	Three years, unless majority vote authorizes longer.		
OSD Option	Yes.		

¹ M.G.L. c. 30B, § 2, defines sound business practices as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.”

² M.G.L. c. 30B, § 4, as amended by Chapter 218 of the Acts of 2016.

³ M.G.L. c. 30B, § 2, defines a responsible bidder or offeror as “a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance.”

⁴ M.G.L. c. 30B, § 2, defines a responsive bidder or offeror as “a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals.”

⁵ M.G.L. c. 30B, § 17(a), states “All contracts in the amount of \$10,000 or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract.”

⁶ M.G.L. c. 30B, § 12(b), states “Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option.”